



[4910-13-P]

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

**[Docket No. FAA-2013-0164; Directorate Identifier 2013-NE-10-AD]**

**RIN 2120-AA64**

#### **Airworthiness Directives; Austro Engine GmbH Engines**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to supersede airworthiness directive (AD) 2013-14-08 that applies to all Austro Engine GmbH model E4 engines. AD 2013-14-08 requires removing from service certain part number (P/N) waste gate controllers. Since we issued AD 2013-14-08 we received several reports of power loss events due to fracture of the waste gate controller lever. This proposed AD would require removing certain P/N waste gate controllers from service. We are proposing this AD to prevent failure of the waste gate controller lever, which could lead to damage to one or more engines, loss of thrust control, and damage to the airplane.

**DATES:** We must receive comments on this proposed AD by [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Fax: 202-493-2251.

- Mail: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

- Hand Delivery: Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this AD, contact Austro Engine GmbH, Rudolf-Diesel-Strasse 11, A-2700 Weiner Neustadt, Austria; phone: +43 2622 23000; fax: +43 2622 23000-2711; Internet: [www.austroengine.at](http://www.austroengine.at). You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781-238-7125.

### **Examining the AD Docket**

You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2013-0164; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the mandatory continuing airworthiness information, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800-647-5527) is in the ADDRESSES section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Frederick Zink, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781-238-7779; fax: 781-238-7199; email: [frederick.zink@faa.gov](mailto:frederick.zink@faa.gov).

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the ADDRESSES section. Include “Docket No. FAA-2013-0164; Directorate Identifier 2013-NE-10-AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

**Discussion**

On July 10, 2013, we issued AD 2013-14-08, Amendment 39-17513 (78 FR 42677, July 17, 2013), (“AD 2013-14-08”), for all Austro Engine GmbH model E4 engines. AD 2013-14-08 requires removing from service certain P/N waste gate controllers. AD 2013-14-08 resulted from several reports of power loss events due to fracture of the waste gate controller lever. We issued AD 2013-14-08 to prevent failure of

the waste gate controller lever, which could lead to damage to one or more engines, loss of thrust control, and damage to the airplane.

#### **Actions Since AD 2013-14-08 Was Issued**

Since we issued AD 2013-14-08, we received notification of additional waste gate controller P/Ns that require removal from service. Also since we issued AD 2013-14-08, the European Aviation Safety Agency (EASA) has issued AD 2013-0213, dated September 13, 2013, which requires removal and replacement of affected waste gate controllers. We also changed the unsafe condition statement in AD 2013-14-08 to clarify the relationship between the unsafe condition and the engine.

#### **Relevant Service Information**

We reviewed Austro Engine Mandatory Service Bulletin (MSB) No. MSB-E4-007/6, Revision 6, dated September 18, 2013. The service information describes procedures for removal and installation of the waste gate controllers.

#### **FAA's Determination**

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

#### **Proposed AD Requirements**

This proposed AD would retain all of the requirements of AD 2013-14-08. This proposed AD would expand the applicability by adding additional P/Ns of affected waste gate controllers.

## **Costs of Compliance**

We estimate that this proposed AD would affect 128 engines installed on airplanes of U.S. registry. We also estimate that it would take about 0.5 hours per engine to comply with this proposed AD. The average labor rate is \$85 per hour. Required parts cost about \$231 per engine. Based on these figures, we estimate the total cost of this proposed AD to U.S. operators to be \$35,008.

## **Authority for this Rulemaking**

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

## **Regulatory Findings**

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national

Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that the proposed regulation:

(1) Is not a “significant regulatory action” under Executive Order 12866,

(2) Is not a “significant rule” under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### **List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### **The Proposed Amendment**

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

#### **PART 39 - AIRWORTHINESS DIRECTIVES**

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

#### **§ 39.13 [Amended]**

2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2013-14-08, Amendment 39-17513 (78 FR 42677, July 17, 2013), and adding the following new AD:

**Austro Engine GmbH Engines:** Docket No. FAA-2013-0164; Directorate Identifier 2013-NE-10-AD.

**(a) Comments Due Date**

The FAA must receive comments on this AD action by [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**(b) Affected ADs**

This AD supersedes AD 2013-14-08, Amendment 39-17513 (78 FR 42677, July 17, 2013).

**(c) Applicability**

This AD applies to all Austro Engine GmbH model E4 engines, with a waste gate controller, part number (P/N) E4A-41-120-000, Revision 060, or lower revision; or a waste gate controller, P/N E4B-41-120-000, Revision 010, or lower revision, installed.

**(d) Unsafe Condition**

This AD was prompted by engine power loss events due to fracture of the waste gate controller lever. We are issuing this AD to prevent failure of the waste gate controller lever, which could lead to damage to one or more engines, loss of thrust control, and damage to the airplane.

**(e) Compliance**

(1) Comply with this AD within the compliance times specified, unless already done.

(2) At the next maintenance action for any reason, or within 110 flight hours after the effective date of this AD, or within three months after the effective date of this AD, whichever occurs first, remove from service waste gate controller, P/N E4A-41-120-000,

Revision 060, or lower revision, and waste gate controller, P/N E4B-41-120-000, Revision 010 or lower revision.

**(f) Installation Prohibition**

After the effective date of this AD, do not install any waste gate controller, P/N E4A-41-120-000, Revision 060, or lower revision, or waste gate controller, P/N E4B-41-120-000, Revision 010, or lower revision, onto any engine, nor approve for return to service any engine that has either waste gate controller installed.

**(g) Alternative Methods of Compliance (AMOCs)**

The Manager, Engine Certification Office, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request.

**(h) Related Information**

(1) For more information about this AD, contact Frederick Zink, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781-238-7779; fax: 781-238-7199; email: [frederick.zink@faa.gov](mailto:frederick.zink@faa.gov).

(2) Refer to MCAI European Aviation Safety Agency AD 2013-0213, dated September 13, 2013, for more information. You may examine the MCAI on the Internet at <http://www.regulations.gov/#!documentDetail;D=FAA-2013-0164-0002>.

(3) Austro Engine Mandatory Service Bulletin No. MSB-E4-007/6, Revision 6, dated September 18, 2013, which is not incorporated by reference in this AD, can be obtained from Austro Engine GmbH, using the contact information in paragraph (h)(4) of this AD.



(4) For service information identified in this AD, contact Austro Engine GmbH, Rudolf-Diesel-Strasse 11, A-2700 Weiner Neustadt, Austria; phone: +43 2622 23000; fax: +43 2622 23000-2711; Internet: [www.austroengine.at](http://www.austroengine.at).

(5) You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781-238-7125.

Issued in Burlington, Massachusetts, on December 31, 2013.

Colleen M. D'Alessandro,  
Assistant Directorate Manager, Engine & Propeller Directorate,  
Aircraft Certification Service.

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